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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,998	03/13/2001	Kimio Miseki	04329.2532	9368

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EXAMINER

MCFADDEN, SUSAN IRIS

ART UNIT PAPER NUMBER

2655

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,998

Applicant(s)

MISEKI, KIMIO

Examiner

Susan McFadden

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner. (*Title not descriptive.*)
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4,5. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3,4,5,6,8,10,11,12,13,14,15,17,18,19,20,21,22, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin (6,240,382).

In regard to claims 1,4,5,8,11,15,18,19, and 20, Lin shows a speech encoding and decoding system and method comprising: generating an excitation signal by using a first and second code vector, selecting code information to reduce perceptually weighted distortion, generating an excitation signal, modifying the excitation signal by filter processing and storing the excitation signal in the adaptive codebook (Fig. 1, col. 4) which includes various codebooks and codevectors that are combined (Fig. 2).

In regard to claims 3,6,10, and 17, Lin shows a system and method for speech coding which uses a recursive filter (col. 2, ln 14-24).

In regard to claims 12,13,14, 21,22, and 23, Lin shows an electronic device comprising: a speech encoder (Fig. 1) and decoder (Fig. 2) operating according to the methods discussed above, a speech input device for supplying a speech signal to the encoder (Fig 1, item 10) and a speech output device (Fig 2, reconstructed speech).

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Gersho et al. (6,233,550).

In regard to claims 1 and 5, Gersho et al. show in the Figure 10, a speech encoding system and method comprising: generating an excitation signal using an adaptive codebook storing a past excitation signal, generating a synthesized speech signal using the excitation signal, modifying the excitation signal used to generate the synthesized speech signal by filter processing and storing the modified excitation signal in the adaptive codebook (col. 21, line 25-39).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2,7,9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (cited above) in view of Gersho et al. (6,311,154).

In regard to claims 2,7,9, and 16, Lin shows the speech encoding and decoding system and method discussed above. Lin does not specifically show that a low pass filter is used. Gersho et al ('154) show a speech coding method that contains a low pass filter (col. 8, In 65-57-col. 9, Fig. 3). It would be obvious to one of ordinary skill in the art at the time of the invention to combine these because they would produce an excitation signal that has been smoothed (col. 8).

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6. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gersho et al. (6,233,550) in view of Gersho et al. (6,311,154).

In regard to claims 2 and 7, Gersho et al. show the speech encoding system and method discussed above. They do not specifically show that a low pass filter is used. Gersho et al ('154) show a speech coding method that contains a low pass filter (col. 8, In 65-57-col. 9, Fig. 3). It would be obvious to one of ordinary skill in the art at the time of the invention to combine these because they would produce an excitation signal that has been smoothed (col. 8).

7. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over JPO (2000-122698), cited by Applicant.

In regard to claims 1 and 5, JPO shows in the Abstract and Fig. 1, a speech encoding system and method comprising: generating an excitation signal using an adaptive codebook storing a past excitation signal, generating a synthesized speech signal using the excitation signal, modifying the excitation signal used to generate the synthesized speech signal by filter processing and storing the modified excitation signal in the adaptive codebook.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 703-308-6693. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Susan McFadden
Primary Examiner
Art Unit 2655

December 3, 2003